



PATENT APPLICATION

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June 23, 2003
Date

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Art Unit: 3611
Examiner: Cassandra Hope Davis
Applicant: Richard Eric Nemeth
Serial No.: 09/669,150
Filed: September 25, 2000
For: HEAD MOUNTED LETTER "M" DISPLAY
Date: June 23, 2003

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APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Appeal Brief is submitted in triplicate and is otherwise in accordance with 37 C.F.R. §1.192 and M.P.E.P. 1206.

ORAL HEARING

Appellant does not request an oral hearing. This case is to be decided on the briefs.

REAL PARTY IN INTEREST

The "real party in interest" is the applicant/inventor, Richard Eric Nemeth, having a place of residence at 2367 N.E. John Carlson Road, Bremerton, Washington 98311.

RELATED APPEALS AND INTERFERENCES

There are no related appeals and/or interferences.

STATUS OF THE CLAIMS

Claims 1-10 are in the application. All of these claims have been rejected under 35 U.S.C. §103(a) as being unpatentable over Toth et al. 3,440,750 in view of Lindheim 1,245,475.

STATUS OF AMENDMENTS

This application has been amended once. Specifically, some minor formal amendments were made to claim 1. In line 3, the expression "a form body having the shape of a letter 'M'" was changed to --a foam body in the shape of a letter "M"--. In line 10 the term "the side parts of the letter" was changed to --the side portions of the letter--. In line 14, the expression "the temple-to-temple width" was changed to --a temple-to-temple width--. In line 18, the expression "whereby the side portions of the foam body can be sprung" was changed to --whereby the side portions of the foam body are adapted to be sprung--.

The appellant did not submit any amendments that were refused by the Examiner.

SUMMARY OF THE INVENTION

The invention before the Board can best be summarized by reference to the appealed claims, starting with claim 1 which reads:

1. A letter "M" display, mountable on a person's head, comprising:
a foam body in the shape of a letter "M" and including a pair of laterally spaced apart side portions and an interconnecting portion;
said interconnecting portion forming a substantially "V" shaped central upper portion of the letter "M";
said side portions depending from said interconnecting portion and defining a space between them, below the interconnecting portion, and forming the side portions of the letter "M";
said side portions of the foam body including confronting, temple engaging, inside surfaces, spaced apart a distance less than a temple-to-temple width of a person's head;
said foam body being constructed from a springable foam that stores spring energy when bent and allows the side portions to be sprung apart, and when released move back towards each other, whereby the side portions of the foam body are adapted to be sprung apart so as to enable a person to place his/her head between the side portions, and the side portions can be released so that they will spring back towards their static positions and clamp onto the person's head, so as to secure the letter "M" display onto the person's head.

In Figs. 1-5 of the application drawing, the disclosed embodiment of the "M" display 10 is shown mounted onto the head 12 of a fan "F". The "M" display 10 comprises a pair of side portions 14, 16 and an interconnecting upper, central portion 18. Together, portions 14, 16, 18 form the shape of a "M". The upper central portion 18 by itself has a substantially "V" shape. See page 3 of the specification, lines 30-35.

The display 10 is constructed from a foam plastic material, examples of which are set forth on page 4 of the specification,

lines 1-11. The foam material is "a springable foam that stores spring energy when bent and allows the side portions to be sprung apart, and when released move back towards each other." See the description starting on page 4 of the specification, at line 32, and continuing over to page 5, line 18. See also Fig. 7 of the application drawing.

The claims all specify:

said side portions of the foam body including confronting, temple engaging, inside surfaces, spaced apart a distance less than a temple-to-temple width of a person's head.

The described relationship is very clearly illustrated by Figs. 1-5 of the application drawing. It is described in the specification, beginning on page 4, line 32, and continuing over to page 5, line 18.

Claim 1 concludes with:

whereby the side portions of the foam body are adapted to be sprung apart so as to enable a person to place his/her head between the side portions, and the side portions can be released so that they will spring back towards their static positions and clamp onto the person's head, so as to secure the letter "M" display onto the person's head.

See again Figs. 1-5 of the application drawing and the portion of the specification beginning on page 4, line 32 and continuing onto page 5, line 18.

A flexible polyurethane foam is a particularly suitable material for the display 10. This material is specified in independent claims 2, 4, and 10. It is one of the materials described on page 4 of the description, lines 1-11.

Dependent claim 3 specifies:

wherein the foam body is compressable and when compressed will store spring energy, and wherein there is some compression of the side portions of the foam body when the foam body is clamped onto a person's head.

This feature is described on page 5 of the specification, lines 19-29.

Dependent claims 5, 8 and 9 specify:

wherein the side portions of the foam body are squared members and the inside surfaces of the side portions are substantially planar and are parallel to each other.

The substantially planar inside surfaces and the substantially parallel relationship of the side portions 14, 16 are clearly shown by Figs. 2 and 6 of the application drawing. The significance of the "squared" side portions is described starting on page 5 of the specification, line 30, and continuing over onto page 6 of the specification, line 4.

Dependent claim 6 specifies:

wherein the foam body is provided with at least one color that is a color associated with a particular sports team.

This feature is described on page 6 of the specification, lines 5-8.

Claim 7 specifies:

wherein the foam body includes a border outlining the letter "M" that is of a first color that is associated with a particular sports team, and within the border the foam body is colored with a second color that is associated with the same team.

This last feature is described on page 6 of the specification, lines 15-19. An example two-color combination is shown by Fig. 9 of the application drawing.

GROUPING OF CLAIMS

Claim 1 is an independent claim. Claims 2-10 are dependent claims that depend from claim 1. Each of claims 2-10 are patentable independently of claim 1 from which they depend, as will be explained below in the argument section of this Brief.

ISSUES

The single issue involved in this Appeal is: Are claims 1-10 directed to subject matter that is obvious from Toth et al. 3,440,750 in view of Lindheim 1,245,475, under 35 U.S.C. §103(a)?

THE PRIOR ART

The invention of Toth et al. 3,440,750 relates to the use of static electricity for connecting a substantially rigid plastic foam body to a board 12. One disclosed example of the rigid plastic foam body is cut or molded into the shape of the letter "A", as shown by Fig. 3 of the patent drawing. The patentees' mention that the foam bodies may employ "a variety of different shapes," but there is no specific disclosure of making a body in the form of the letter "M." The key feature of the foam bodies is that they be constructed from a foam plastic that creates static electricity when rubbed so that the static electricity will connect them to the board 12. There is no other use for the body 24 specified in the patent and the size of the "A" body 24 is not specified in the patent. Most clearly, the patent does not disclose mounting a letter "M" or any other letter on a person's head to serve as a head worn display.

Lindheim 1,245,475, like Toth et al. 3,440,750 also relates to providing objects that are constructed to be secured to a board 1. The disclosed members are thin and are in the shape of letters and they include the letter "M". A recess 3, in the shape of the letter "M", is formed in the board 1. The member 2 in the form of the letter "M" is sized to be set into the recess 3. The size of the letter "M" is not disclosed in this

patent and the material from which the letter "M" is made is also not disclosed. "Cardboard" is given as a suitable material for the board 1 and so it can be assumed that cardboard may also be used for the letter "M". Very clearly, there is no disclosure in this patent of constructing the letter "M" of sufficient size and from a suitable foam material so that it can be mounted on a person's head to serve as a head-mounted display.

ARGUMENT

It is submitted that Toth et al. 3,440,750 and Lindheim 1,245,475 are both non-analogous art and should not be considered to be proper references for that reason. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1972), in which the court stated:

In order to rely on a reference as a basis for rejection of the applicant's invention, the reference must either be in the field of the applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned. See *In re Deminski*, 796 F.2d 436, 442 230 USPQ 313, 315 (Fed. Cir. 1986). Patent examination is necessarily conducted by hindsight, with complete knowledge of the applicant's invention, and the courts have recognized the subjective aspects of determining whether an inventor would reasonably be motivated to go to the field in which the examiner found the reference, in order to solve the problem confronting the inventor. We have reminded ourselves and the PTO that it is necessary to consider "the reality of the circumstances", *In re Wood*, 599 F.2d 1032, 1036, 202 USPQ 171, 174 (CCPA 1979) -- in other words, common sense -- in deciding in which fields a person of ordinary skill would reasonably be expected to look for a solution to the problem facing the inventor.

Here, the field of endeavors are not the same. The problem confronted by the inventor was how to construct a member in the shape of a letter "M" so that it can be attached to the head of a person to be worn by him/her and displayed to others who are

either in front or behind the person.

In *Oetiker*, the court further stated:

It has not been shown that a person of ordinary skill, seeking to solve a problem of fastening a hose clamp, would reasonably be expected or motivated to look to fasteners for garments. The combination of elements from non-analogous sources, in a manner that reconstructs the applicant's invention only with the benefit of hindsight, is insufficient to present a *prima facie* case of obviousness. There must be some reason, suggestion, or motivation found in the prior art whereby a person of ordinary skill in the field of the invention would make the combination. That knowledge can not come from the applicant's invention itself.

Here, a person having no knowledge of applicant's invention would have no reason to consult Toth et al. 3,440,750 and/or Lindheim 1,245,475. Applicant's device is worn on a person's head whereas Toth et al. 3,440,750 and Lindheim 1,245,475 both relate to ways of securing an object to a mounting board. The only relevance of these patents is that Toth et al. 3,440,750 discloses a letter "A" constructed from foam and Lindheim 1,245,475 discloses a number of letters constructed from an unspecified material wherein one of the letters is the letter "M". Without having knowledge of applicant's invention, the Examiner would have no reason to look for either one of these references. Neither Toth et al. 3,440,750 nor Lindheim 1,245,475 is concerned with the particular problem with which the applicant was concerned. Toth et al. 3,440,750 is concerned with securing objects to a mounting board 12. It so happens that one of the members is in the form of a letter "A". Lindheim 1,245,475 is also concerned with connecting members to a mounting board 1. Toth et al. 3,440,750 decided on using static electricity for securing the articles 14 to the board 12. Lindheim 1,245,475

decided to provide his board 1 with recesses that are sized and shaped to receive the article 2. Applicant's problem is to provide a letter "M" that is capable of being secured to a person's head to be worn by that person for display to other people both in front and behind the person. The Examiner has not shown any reason why a person of ordinary skill, seeking to solve the problem of securing an object in the shape of a letter "M" to a person's head, would reasonably be expected or motivated to look to the art field which includes Toth et al. 3,440,750 and Lindheim 1,245,475. In addition, these references, whether viewed separately or in combination, would not lead another to applicant's invention.

Another case to consider is *Ruiz v. A.B. Chance Co.*, 234 F.3d 654, 57 USPQ2d 1161, (Fed. Cir. 2000). In this case, the Federal Circuit stated:

The district court erred in failing to make clear and particular findings as to why the Gregory patents and the Fuller and Rupiper method are within the appropriate scope of the prior art in determining the obviousness of the '368 and '107 patents. The scope of the prior art includes art that is "reasonably pertinent to the particular problem with which the invention was involved." *Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530, 1535, 218 USPQ 871, 876 (Fed. Cir. 1983). In order to prevent a hindsight-based obviousness analysis, we have clearly established that the relevant inquiry for determining the scope and content of the prior art is whether there is a reason, suggestion, or motivation in the prior art or elsewhere that would have led one of ordinary skill in the art to combine the references.

Here, the Examiner states that "Toth teaches a character constructed of plastic foam such as polyethylene foam cut or molded into various desired shapes such as the letter "A" (24)." The Examiner acknowledges that Toth et al. 3,440,750 "does not

teach the foam letter 'M'." However, the Examiner points out that Lindheim 1,245,475 "teaches a plurality of characters 2 in the shape of the letter of the alphabet." The Examiner states, "[s]pecifically Lindheim teaches the letter 'M' having a 'v' shaped central portion and side legs extending down from the upper distal end of the central portion, whereby the [legs] extend below the lower portion of the 'v'". The Examiner then concludes by stating, "[i]t would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the character of the device taught by Toth in the shape 'M' taught by Lindheim to provide a means of displaying the letter 'M' on the board."

It is submitted that claims cannot be declared unpatentable merely upon finding some similar elements in separate prior art patents. In *Ruiz* the court stated that "this cannot be the law under the statute, §103." The court then quoted from *Arkie Lures Inc. v. Gene Larew Tackle Inc.*, 119 F.3d 953, 957, 43 USPQ2d 1294, 1297 (Fed. Cir. 1997) in which the court stated:

It is insufficient to establish obviousness that the separate elements of the invention existed in the prior art, absent some teaching or suggestion, in the prior art, to combine the elements.

As stated above, in his rejection, the Examiner here stated that it would have been obvious "to construct the character of the device taught by Toth in the shape 'M' taught by Lindheim to provide a means of displaying the letter 'M' on the board." This last functional statement, "displaying the letter 'M' on the board", disregards significant limitations in the claims. Quite clearly, applicant is not concerned with displaying the letter

"M" on a board.

Claim 1 commences with the preamble:

A letter "M" display, mountable on a person's head, comprising:

This preamble is a limitation to the claim. In *Corning Glass Works v. Sumitomo Electric*, 868 F.2d 1251, 9 USPQ2d 1962 (Fed. Cir. 1989) the Federal Circuit stated:

The effect preamble language should be given can be resolved only on review of the entirety of the patent to gain an understanding of what the inventors actually invented and intended to encompass by the claim. Here, the '915 specification makes clear that the inventors were working on the particular problem of an effective optical communication system not on general improvements in conventional optical fibers. To read the claim in light of the specification indiscriminately to cover all types of optical fibers would be divorced from reality. The invention is restricted to those fibers that work as waveguides as defined in the specification, which is not true with respect to fibers constructed with the limitations of paragraphs (a) and (b) only. Thus, we conclude that the claim preamble in this instance does not merely state a purpose or intended use for the claimed structure. See *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). Rather, those words do give "life and meaning" and provide further positive limitations to the invention claimed. See *Loctite*, 781 F.2d at 866, 228 USPQ at 92; *Perkin-Elmer Corp. v. Computervision Corp.*, 732 F.2d 888, 896, 221 USPQ 669, 675 (Fed. Cir.), cert. denied, 469 U.S. 857 [225 USPQ 792] (1984).

Here the preamble makes clear that the claimed letter "M" is "mountable on a person's head." On page 1 of the specification, lines 15-22, it is stated:

It is an object of the present invention to provide a display that is adapted to be mounted onto the head of a fan and which is provided with the shape of a letter "M" that has some association with the particular team. For example, the Seattle Mariners baseball team is commonly referred to as the "M's." It is an object of the invention to provide a display in the shape of a "M" that is adapted to be self-secured to the head of a fan, so that, for example, the fan can wear it to a game or elsewhere.

Quite clearly, there is no place in the application where it is stated that appellant is concerned with adapting a letter or other object so it can be secured to a mounting board, the objective of Toth et al. 3,440,750 and Lindheim 1,245,475. Appellant's object is to provide "a display in the shape of a 'M' that is adapted to be self-secured to the head of a fan, so that, for example, the fan can where it to a game or elsewhere." This description makes the preamble language "mountable on a person's head" a part of the claimed invention that cannot be disregarded when considering obviousness.

Other key limitations in claim 1 are:

said side portions of the foam body including confronting, temple engaging, inside surfaces, spaced apart a distance less than the temple-to-temple width of a person's head;

said foam body being constructed from a springable foam that stores spring energy when bent and allows the side portions to be sprung apart, and when released move back towards each other,

whereby the side portions of the foam body are adapted to be sprung apart so as to enable a person to place his/her head between the side portions, and the side portions can be released so that they will spring back towards their static positions and clamp onto the person's head, so as to secure the letter 'M' display onto the person's head.

In making his rejection, the Examiner has totally disregarded these claim limitations. This is legal error. In *In re Echerd and Watters*, 471 F.2d 632, 176 USPQ 321 (CCPA 1973), the court approved the use of the claim language:

-- having sufficient flexibility and wet strength to permit the same to be wrapped when wet around insulated pipe surfaces and the like, and having sufficient adhesive characteristics to firmly bond itself to such surfaces upon subsequent drying, --

having substantial flexibility in both wet and dry state, having adhesive characteristics, when wet, to adhere the pipe lagging material to a surface around which it is wound and, when subsequently dried, to firmly bond and form with said fabric base an adherent, non-dusting covering on such surface.

In its decision, the court stated:

There is nothing intrinsically wrong in defining something by what it does rather than by what it is. In *re Swinehart*, 58 CCPA 1027, 1030, 439 F.2d 210, 212, 169 USPQ, 226, 228 (1971); In *re Fuetterer*, 50 CCPA 1453, 319 F.2d 259, 138 USPQ 217 (1963). Here, the flexibility, wet strength and latent adhesive requirements recited in the claims must be recognized as positive qualities of appellants' product. While the Patent Office may properly require proof that the functional limitations being relied upon are not inherent characteristics of the prior art, *Swinehart*, 58 CCPA at 1031, 439 F.2d at 213, 169 USPQ at 229, these potentially distinguishing features cannot simply be ignored.

It is appellant's position that the above quoted limitations from claim 1 cannot be ignored in this case. These limitations are neither disclosed by nor obvious from Toth et al. 3,440,750 and/or Lindheim 1,245,475.

In *Fuetterer*, the court approved use of the claimed language "a sufficient amount of a vulcanizing agent to vulcanize the rubber, and a reinforcing agent in an amount sufficient to provide a tread stock having high abrasive resistance." Here, the similar language is "spaced apart a distance less than the temple-to-temple width of a person's head," "constructed from a springable foam that stores spring energy when bent and allows the side portions to be sprung apart, and when released move back towards each other" and "whereby the side portions of the foam body are adapted to be sprung apart so as to enable a person to place his/her head between the side portions, and the side portions can be released so that they will spring back towards their static positions and clamp onto the person's head, so as to secure the letter 'M' display onto the person's head."

In *Ex parte Pilkington*, 137 USPQ 229 (P.O. Bd App 1962), the Board accepted as a proper claim limitation the language "to

permit said layer of molten glass to flow laterally unhindered to the limit of its free flow under the influence of gravity and surface tension." The Board stated that this language served as limitations upon the chamber wall spacing and the temperature regulators to which they refer, and constitute "a proper structural definition of apparatus."

In *In re Venezia*, 530 F.2d 956, 189 USPQ 149 (CCPA 1976), the court approved the claim language "each sleeve of said pair adapted to be fitted over the insulating jacket of one of said cables." The court stated that this language imparts a structural limitation to the sleeve. The last part of the claim under consideration contained additional language that was criticized by the Board, including "may be slideably positioned," "slideably repositioned," "when said sleeves *** are assembled," and "when said housing is in its repositioned location." In reversing the Board, the Court stated that this language also defines present structures or attributes of the thing being claimed. It stated:

Again a present structural configuration for the housing is defined in accordance with how the housing interrelates with the other structures in the completed assembly. We see nothing wrong in defining the structures of the components of the completed connector assembly in terms of the interrelationship of the components, or the attributes they must possess, in the completed assembly. More particularly, we find nothing indefinite in these claims. One skilled in the art would have no difficulty determining whether or not a particular collection of components infringed the collection of interrelated components defined by these claims.

Here, a person skilled in the art would have no difficulty determining whether or not the "side portions of the foam body were spaced apart a distance less than a temple-to-temple width

of a person's head." A person skilled in the art would have no difficulty in determining whether the "sprung apart", "spring back" and "clamp onto" features were on a given display.

Claim 2 depends from claim 1 and further specifies that the foam body is constructed from "a flexible polyurethane foam". Granted, polyurethane foam is a known substance. However, claim 1 specifies that the foam is "a springable foam that stores spring energy when bent and allows the side portions to be sprung apart, and when released move back towards each other." Thus, claim 2 claims "a flexible polyurethane foam" that is "springable" and "stores spring energy when bent and allows the side portions to be sprung apart, and when released, move back towards each other." Toth et al. 3,440,750 makes reference to "polyurethane foam" but makes no reference to the claimed characteristics of the foam because the letters, numerals and other characters to which it relates does not depend on these characteristics.

Claim 3 depends from claim 1 and specifies that "the foam body is compressable and when compressed will store spring energy, wherein there is some compression of the side portions of the foam body when the foam body is clamped onto a person's head." Toth et al. 3,440,750, the only one of the two references that makes reference to a foam body, does not disclose these characteristics of a foam body that is in the shape of the letter "M".

Claim 4 depends from claim 3 and further specifies that "the foam body is a flexible polyurethane foam." The arguments made above with respect to claims 2 and 3 both relate to claim 4.

Claim 5 depends from claim 1 and specifies that "the side portions of the foam body are squared members and the inside surfaces of the side portions are substantially planar and are parallel to each other." These features are illustrated quite clearly by the application drawing. They are not illustrated by Toth et al. 3,440,750 because this patent does not disclose a foam body in the shape of a "M". Lindheim 1,245,475 discloses an object 2 in the shape of a "M". But, it is not disclosed as being made from foam and it does not appear to have squared side portions with inside surfaces that are substantially planar. The "M" disclosed by Lindheim 1,245,475 appears to be made from a very thin material.

Claim 6 depends from claim 1 and specifies that "the foam body is provided with at least one color that is color associated with a particular sports team." This feature is not disclosed by either of the reference patents. Neither patent makes reference to a sports team.

Claim 7 depends from claim 1 and specifies that the letter "M" has a border "of a first color that is associated with a particular sports team, and within the border the foam body is colored with a second color that is associated with the same team." These features are not disclosed by the reference patents. Neither of the patents makes reference to a sports team or choosing the colors of a sports team.

Claim 8 depends from claim 6 and further specifies that the "side portions of the foam body are squared members on the inside surfaces of the side portions are substantially planar and are parallel to each other." Thus, the arguments made above with

respect to claim 5 apply to claim 8 as well.

Claim 9 depends from claim 7 and also specifies that "the side portions of the foam body are squared members and the inside surfaces of the side portions are substantially planar and are parallel to each other." Thus, the arguments made with claim 5 also pertain to claim 9.

Claim 10 depends from claim 9 and further specifies that "the foam body is a flexible polyurethane foam." As stated above, the addition of this feature to the claim means that the foam body is constructed from a flexible polyurethane foam that stores spring energy when bent and allows the side portions to be sprung apart, and when released move back towards each other." Quite clearly, claim 10, when considered as a "whole", is neither disclosed by nor obvious from the reference patents.

SUMMARY

For the reasons set forth above, it is submitted that claims 1-10 are all patentable over the patents that were cited by the Examiner. It is again submitted that these patents are not proper "prior art" because they are not concerned with the problem that has been addressed by the applicant in the making of his invention.

Respectfully submitted,

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DJB/lam

APPENDIX

1. A letter "M" display, mountable on a person's head, comprising:

a foam body in the shape of a letter "M" and including a pair of laterally spaced apart side portions and an
5 interconnecting portion;

said interconnecting portion forming a substantially "V" shaped central upper portion of the letter "M";

said side portions depending from said interconnecting portion and defining a space between them, below the
10 interconnecting portion, and forming the side portions of the letter "M";

said side portions of the foam body including confronting, temple engaging, inside surfaces, spaced apart a distance less than a temple-to-temple width of a person's head;

15 said foam body being constructed from a springable foam that stores spring energy when bent and allows the side portions to be sprung apart, and when released move back towards each other,

whereby the side portions of the foam body are adapted to be sprung apart so as to enable a person to place his/her head
20 between the side portions, and the side portions can be released so that they will spring back towards their static positions and clamp onto the person's head, so as to secure the letter "M" display onto the person's head.

2. The letter "M" display of claim 1, wherein the foam body is constructed from a flexible polyurethane foam.

3. The letter "M" display of claim 1, wherein the foam body is and when compressed will store spring energy, and wherein there is some compression of the side portions of the foam body when the foam body is clamped onto a person's head.

4. The letter "M" display of claim 3, wherein the foam body is a flexible polyurethane foam.

5. The letter "M" display of claim 1, wherein the side portions of the foam body are squared members and the inside surfaces of the side portions are substantially planar and are parallel to each other.

6. The letter "M" display of claim 1, wherein the foam body is provided with at least one color that is a color associated with a particular sports team.

7. The letter "M" display of claim 1, wherein the foam body includes a border outlining the letter "M" that is of a first color that is associated with a particular sports team, and within the border the foam body is colored with a second color
5 that is associated with the same team.

8. The letter "M" display of claim 6, wherein the side portions of the foam body are squared members and the inside surfaces of the side portions are substantially planar and are parallel to each other.

9. The letter "M" display of claim 7, wherein the side portions of the foam body are squared members and the inside surfaces of the side portions are substantially planar and are parallel to each other.

10. The letter "M" display of claim 9, wherein the foam body is a flexible polyurethane foam.